

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIXTY-01 ASSOCIATION OF APARTMENT
OWNERS,

Plaintiff(s),

v.

SCOTTSDALE INSURANCE CO.,
Defendant(s).

NO. C04-2336

ORDER ON DEFENDANT'S
MOTION TO STRIKE PLAINTIFF'S
PURPORTED "COVERAGE"
EXPERT DAVID J. GADBOIS

This matter comes before the Court on Defendant's Motion to Strike Plaintiff's Purported "Coverage" Expert David J. Gadbois (Dkt. No. 23). Having reviewed Defendant's Motion, Plaintiff's Response and all other pertinent papers and documents related to this Motion, the Court GRANTS this motion without prejudice to Plaintiff.

Plaintiff has put forth an insurance claim-handling expert to give an opinion in this matter as to whether or not there was coverage under the relevant insurance policy. Normally, the question of insurance coverage depends upon contract interpretation, which is a matter of law for the Court. Being mindful of this reality, Plaintiffs may bring a motion to have the Court allow the testimony of Mr. Gadbois if they are able to identify a judicial opinion supporting the notion that expert testimony of this nature would be of assistance to the jury.

The clerk is directed to send copies of this order to all counsel of record.

Dated: November 2nd, 2005



Marsha J. Pechman
United States District Judge